

# EXHIBIT 5

**From:** Jeff Kane <JKane@oandzlaw.com>  
**Sent:** Thursday, August 7, 2025 9:56 PM  
**To:** Bladow, Laura (DC); Damle, Sy (DC-NY); Sampoli, Sara (DC); Stillman, Alli (NY); Tomkowiak, Sarah (DC); Victorson, Holly (DC)  
**Cc:** Uriel Lee; Kevin Lindsey; Michele Murphy  
**Subject:** Cengage v. Google - Custodians, Search Terms, Hyperlinked Documents  
**Attachments:** 2025.08.07 Case IDs and MCIDs.xlsx

Counsel,

The documents Google recently produced make clear that additional custodians and search terms are necessary in order to capture relevant documents. Pursuant to the parties' agreement to allow modifications of custodians and search terms as the case progresses (2025.01.28 O+Z Email; 2025.01.31 Latham Email), Plaintiffs request the below additions to Google's custodial searches.

Google waited until the end of the document discovery period to produce these documents. If Google does not agree promptly to add these search terms and custodians, please let us know of a time that works for your team to meet and confer on Monday, August 11 or Tuesday, August 12. If the issues are not resolved, Plaintiffs plan to seek relief from the Court by Friday, August 15.

In addition, several documents Google produced recently contain hyperlinks to other relevant documents. Below, we identify several hyperlinked documents that Plaintiffs request Google produce.

### Custodians

#### 1. Google Email Aliases

- a. [REDACTED]: This email alias is cc'd regarding issues on how copyright strikes should be tracked (GOOG-CENG-00408468) and about wording to use in responses to infringement notices (GOOG-CENG-00408702). It is listed as the "assignee" on a [REDACTED] ticket about complaints regarding ebook ads (GOOG-CENG-00409387); and "very escalated" notifications regarding infringement notices (GOOG-CENG-00413124).
- b. [REDACTED]: Google's productions show that [REDACTED] GOOG-CENG-00405084, 5085. This email alias is "strictly internal only alias for legal removals/DMCA team" (GOOG-CENG-00405084, 5085). The same document notes that the "DMCA team manages Copyright complaints and they can be reached via: [REDACTED] (GOOG-CENG-00405084, 5085).
- c. [REDACTED]: This email alias appears to be used for urgent escalations. GOOG-CENG-00408805.

- d. [REDACTED]; [REDACTED]; [REDACTED]: These three aliases are all listed as emails to use for escalations of “critical issues”. *See e.g.*, GOOG-CENG-00407407, 7438
  - e. [REDACTED]: This alias for the [REDACTED] team is listed as the primary point of contact in the [REDACTED] GOOG-CENG-00405185. We understand that in Google parlance, Shopping ads are a monetized product. GOOG-CENG-00405333, 5338.
2. Google Representatives: It is Plaintiffs’ understanding that there were Google representatives (i.e., sales representatives, account managers, and account strategists) who were responsible for communications with certain clients. *See e.g.*, GOOG-CENG-00413454 [REDACTED] flags to the Trust & Safety team that her client, Pearson Education, had flagged piracy, infringement, and ebooks issues). Please include as custodians any Google representatives that were responsible for Plaintiffs’ accounts and communications. Our current understanding is that [REDACTED] is the representative for Cengage, and [REDACTED] is the representative for McGraw.
  3. Google Personnel
    - a. [REDACTED]: Mr. [REDACTED] became the owner of Google’s [REDACTED] in 2022. GOOG-CENG-00408200. Mr. [REDACTED] is also the owner of the [REDACTED] GOOG-CENG-00406514, and appears in many emails regarding the Copyright Strike policy within Google Shopping (i.e., GOOG-CENG-00408605).
    - b. [REDACTED]: Mr. [REDACTED] was listed as the T&S Shopping point of contact of the [REDACTED] GOOG-CENG-00405084. It is Plaintiffs’ understanding that Mr. [REDACTED] formerly held the role as the Global Head of Shopping Policy Enforcement, Trust & Safety.
    - c. [REDACTED] A document called [REDACTED] lists the LR Product team manager, [REDACTED] to be CC’d if there is “sensitive” escalations. GOOG-CENG-00405185. The employee, [REDACTED], is again listed as one of two reviewers of the [REDACTED] GOOG-CENG-00408442. Our understanding is that this username may have been for Mr. [REDACTED].
    - d. [REDACTED]: In a document called [REDACTED], [REDACTED] was listed as the point of contact for [REDACTED] GOOG-CENG-00405084, 5085.
  4. [REDACTED]: Please explain how Google has searched two of the primary tools used for takedowns and terminations, [REDACTED], for information concerning the pirates at issue. If Google has not applied Plaintiffs’ search terms to these databases, please do so.

### Search terms

The documents Google recently produced indicate that several new search terms are appropriate. These should be run across all custodians for the period December 2020 through July 2025.

1. [“high confidence” /s (“ebook\*” or “book\*”)] – Google’s documents indicate that certain book publishers are classified as “High Confidence book/e-book publisher[s]”. GOOG-CENG-00411022, 1025, Q10 [REDACTED]



2. ["zero strike"] (see no. 1 above)
3. The list of search terms Google has used so far includes the 1,239 domains Plaintiffs identified on December 24, 2024. It is clear from the documents Google has produced that Google personnel do not always refer to merchants by their domain. Sometimes merchants are referred to by Merchant ID, case ID (e.g., GOOG-CENG-00408617; GOOG-CENG-00405105; GOOG-CENG-00407406), and Customer ID (GOOG-CENG-00000683, 0684)
  - a. Google should use as search terms the unique Merchant Center IDs contained in the GOOG-CENG-00000703, GOOG-CENG-00392941, and GOOG-CENG-00392942 spreadsheets. A list of these MCIDs are attached for reference.
  - b. To the extent Google is not doing so already, Google should use as search terms the unique Case IDs contained in the Notice and Response Data Spreadsheets (GOOGCENG- 00380265, GOOG-CENG-00380266, GOOG-CENG-00380267, GOOG-CENG-00380268, GOOG-CENG-00392939, GOOG-CENG-00392940, GOOG-CENG-00403539, GOOG-CENG-00403540, GOOG-CENG-00403541, GOOG-CENG-00403542, GOOG-CENG-00403543, GOOG-CENG-00403544, GOOG-CENG- 00403545, GOOG-CENG-00404296). A list of these case IDs is attached.
  - c. Google should identify the Customer ID associated with each of the Merchant Center accounts listed in the 0703, 2941, and 2942 spreadsheets (it is unclear to us whether the number listed in the "adwords" column of the GOOG-CENG-00000703, GOOG-CENG-00392941, and GOOG-CENG-00392942 spreadsheets is the customer ID). Google should then use these Customer IDs as search terms, just as it has the domain names.
  - d. To the extent these documents are not already being fully captured, Plaintiffs further suggest Google include ["OKR\*" OR (Objective\* w/2 "Key Results")) AND (removal\* or copyright\* OR DMCA OR takedown\* OR strike\* OR infringing\* OR shopping OR monetize\*)] as a search term. to which we understand to be a form of quarterly evaluation performed at Google.. (See e.g., GOOG-CENG-00405294, GOOG-CENG-00408636, GOOG-CENG-00410938, GOOG-CENG-00404556).

### Hyperlinks

A number of documents in Google's production contain what appear to be hyperlinks to relevant documents. Plaintiffs have identified several such hyperlinks below. Please either produce these documents or direct us to where they are located in Google's production.

1. GOOG-CENG-00411022, 1025 Q. 10 – the "Here" in "Here you can find a list of these [REDACTED]"
2. GOOG-CENG-00404719, 4723 – under "References", [REDACTED]"
3. GOOG-CENG-00405084
  - a. On p. 5084, under "May 2021", the link that ends "focus-areas/copyright"
  - b. On p. 5086, the link "Legal Removals Aliases List"

4. GOOG-CENG-00405128 - on the "All Trainings" tab, the links in column B ("Material"), next to the below names:
  - a. Intro to Cases
  - b. Intro to [REDACTED]
  - c. Intro to Queues
  - d. LR Outsourcing Strategy
  - e. LR Dashboards Walkthrough
  - f. IP Overview + DMCA
  - g. Illegal Sale, Counterfeit, DMCA
  - h. Monetized
5. GOOG-CENG-00406540
  - a. On p. 6541, the paragraph that begins "publication of copyright repeat infringement policy", the link to "external article".
6. GOOG-CENG-00406687 – p. 6687, the box at the top says "As of 30 September 2023, this document has been deprecated. Please refer to go/shopping-central for the latest policy details" refer to new policy. Please produce the updated policy.
7. GOOG-CENG-00406893 – p. 6901, the last bullet, "disapproved accounts."
8. GOOG-CENG-00407509 – the link underneath "Full Team:".

Jeff Kane

**Oppenheim + Zebrak, LLP**

4530 Wisconsin Avenue NW, 5th Floor

Washington, DC 20016

202.499.2940

[jkane@oandzlaw.com](mailto:jkane@oandzlaw.com) | [www.oandzlaw.com](http://www.oandzlaw.com)